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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

KOMET BEING, et al.,

Plaintiffs,

v.

ADAM CRUM, et al.,

Defendants.

Case No. 3:19-cv-00060-HRH

**JOINT MOTION FOR ENTRY OF STIPULATED SETTLEMENT AGREEMENT
AND ORDER**

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In light of the parties having reached a joint resolution which resolves all claims in the above-captioned case, Plaintiffs Komet (“Swan”) Being, Robin Black, and Austin Reed (collectively, “Plaintiffs”) and Defendants Adam Crum, in his official capacity as Commissioner of the Alaska Department of Health and Social Services, and the Alaska Department of Health and Social Services (collectively, “Defendants”), respectfully move the Court to enter their proposed Stipulated Settlement Agreement and Order (attached hereto as Exhibit A), and in support thereof, state as follows:

1. On March 4, 2019, Ms. Being filed a Class Action Complaint against Defendant Adam Crum, in his official capacity as Commissioner of the Alaska Department of Health and Social Services. On January 8, 2020, Ms. Being, Ms. Black, and Mr. Reed filed their First Amended Class Action Complaint against Defendant Crum and Defendant Alaska Department of Health and Social Services. On August 24, 2020,

Plaintiffs filed their Second Amended Class Action Complaint. Plaintiffs sought to enjoin enforcement of 7 Alaska Administrative Code (“AAC”) 105.110(12) and 7 AAC 110.405(d)(5), and any other source of law, regulation, policy, or practice that denies treatment for gender dysphoria to Alaska Medicaid recipients (the “Challenged Regulations”).

2. Plaintiffs alleged that the Challenged Regulations violate the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution by subjecting transgender beneficiaries of Alaska Medicaid to unlawful discrimination on the basis of transgender status and sex; Section 1557 of the Affordable Care Act, 42 U.S.C. § 18116, by subjecting transgender beneficiaries of Alaska Medicaid to unlawful discrimination on the basis of sex in a health program or activity receiving federal funding; the Medicaid Act’s Availability Requirements, 42 U.S.C. § 1396a(a)(10)(A); and the Medicaid Act’s Comparability Requirements, 42 U.S.C. § 1396a(a)(10)(B).

3. The parties desire to resolve the issues raised in Plaintiffs’ complaint without the necessity of further litigation.

4. The parties consent to entry of the attached proposed Stipulated Settlement Agreement and Order as dispositive of all issues raised in this matter.

5. The Stipulated Settlement Agreement and Order will be binding on Defendant Crum in his official capacity and on any successor to the position of Commissioner of the Alaska Department of Health and Social Services. Nothing in this Agreement precludes the Department from taking additional action to amend or change state statute or regulations so long as those changes are made pursuant to the

Administrative Procedure Act. Nothing in this Agreement precludes plaintiffs or counsel for plaintiffs from challenging any statutory, regulatory, or programmatic changes made in the future.

WHEREFORE, in light of the parties' agreement regarding this matter, the parties respectfully request that this Court enter the attached Stipulated Settlement Agreement and Order.

Dated: December 22, 2020

Respectfully submitted,

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